

WYOMING LEGAL SERVICES STATE PLANNING REPORT

A. State Planning Process and Participants

Prior to 1997, there were three LSC-funded programs in the State of Wyoming. In response to Program Letter No. 4, August 31, 1995, the three programs initiated a statewide planning process. One of the then-existing programs, Legal Services for Southeastern Wyoming, prepared a draft state plan, after consulting with the other legal services providers in the state. That draft plan was circulated to the private bar, members of the judiciary and to other service providers for comments and input. Suggestions were received and the programs continued development work on the draft.

During this same period, pursuant to the competitive bid process mandated by Congress, each LSC program in Wyoming submitted a proposal for a statewide program. As a result of that process, in April of 1997 Wind River Legal Services became the single statewide LSC provider in Wyoming. Prior to becoming responsible for statewide service delivery, Wind River developed a basic plan for statewide delivery.

The plan was drawn from the statewide funding proposal which Wind River Legal Services had submitted, which itself was based upon the original planning document that had been drafted and circulated by LSSW and WRLS. Comments were sought from a wide array of providers. Meetings were held with the Boards and staffs of the existing LSC programs, with the Officers and Commissioners of the Wyoming State Bar Association and with the Legal Aid Committee of the Wyoming State Bar Association. The initial statewide delivery structure was developed from this planning process. Once the statewide delivery was initiated in the spring of

1997, an ongoing evaluation of state needs was begun. That process is ongoing, and will continue for the foreseeable future, as the entire configuration of service delivery in Wyoming develops and expands.

The ongoing planning process directly involves the LSC program, Wyoming Legal Services, and the Legal Aid Committee of the State Bar. Comments, input and cooperation have been sought from other identified legal service providers in Wyoming, including the single law school, the University of Wyoming College of Law; the statewide Protection and Advocacy Program, and the statewide Coalition Against Domestic Violence and Sexual Assault. General input from identified providers at the local level has been sought through direct contact and survey documents.

Currently, there is one LSC program in the state, Wyoming Legal Services. The program has offices in Cheyenne, Casper and Lander, with Lander being the site of the administrative staff, as well as the Native American and Migrant components. Wyoming Legal Services also is the single recipient of funding through the state's Division on Aging for legal assistance developer work.

There are a very limited number of other legal service providers. Those include a clinical program at the University of Wyoming College of Law, the Protection and Advocacy Program, an ACLU office, local bar association programs in several counties, and through Court appointment under local practice in some counties. Domestic violence shelters provide some specialized assistance and direct assistance is available through the state in Workers' Compensation cases. Other than these projects, assistance is provided informally within local

communities according to local custom.

B1. Intake, Advice and Referral

The intake system used within Wyoming Legal Services is drawn from the practices used by its predecessor, Wind River Legal Services. Unlike many programs, WRLS never required clients to come to a program office to apply for or to receive services. The program historically had a basic field service area removed by 100 miles from its office. As a result, by necessity the program developed a long-distance system of intake and service delivery years ago. From the system that was already in place, the program continues work towards an intake system that is accessible and responsive statewide.

I. Strengths of the current intake system

The current intake system is telephone based, and does not require clients to travel to a program office for application or receipt of services. Each program office has a state-wide toll free number, and after hours message recording capacity. The intake policy is intended to be as responsive as possible to clients, and allows contact by telephone, fax, mail, electronically or in-person. The program can be contacted with equal ease from anywhere in the state, and intake may be initiated and completed anywhere in the state.

The current intake system has been extensively evaluated and critiqued, both within the program and by the LSC on-site review team that visited the WLS in March, 1998. From the recommendations that have been received, a comprehensive intake development plan exists. It is currently being implemented and is expected to be fully in place by the first of the year. The plan calls for assignment of specific staff to intake duties, development of written guidelines and

scripts for advice and referral, and use of a fully computerized intake system. The system is designed to provide information, advice and referral upon initial contact, and to allow for the prompt identification and assignment of cases needing extended service. The use of computerized information is intended to ensure the quality and consistency of information provided and procedures used.

Staff with specialized training are assigned to intake for Native American, Migrant and elder law issues. In addition, targeted outreach to other service providers in these communities is used to ensure that clients are aware of and can contact our program. Likewise, continuing outreach is done with state institutions to ensure that clients are assisted in contacting our program as needed. Because the state is small, in both its population and the number of providers, it is possible to ensure that the program is well-known statewide, by developing direct contacts with service providers throughout the state. A commitment to statewide access, and to maintaining a very open intake process is one of our program's strengths.

II. Weaknesses of the current intake system

The primary weakness throughout the current system, including in intake and referral, is resources that are utterly inadequate. LSC funding is population-based. As the least populous state in the country, Wyoming receives the least amount of funding. The poverty population in Wyoming numbers approximately 55,000 people. So, even as a state-wide program, Wyoming Legal Services is only at the threshold of program size identified by LSC as being conducive to effective and efficient program operation.

The smaller population does not translate into a comparable reduction in program cost.

Even though the client numbers are fewer, WLS must maintain the same basic components available in programs with much greater resources. That is, program staff must be competent in the fundamental topics of poverty law, the program must have the capacity to maintain and expand its use of technology, and it must maintain its administrative capacity to comply with regulatory and reporting requirements. Additionally, the program must be easily accessible and maintain a capacity to respond statewide, and must provide fully responsive legal assistance in an area of nearly 100,000 square miles. The task is made quite difficult simply because of program size.

Because the program is small, it can not dedicate individual staff to any one project without directly reducing the program's capacity in another area. And, since it must maintain at least a minimum capacity across the full range of critical program functions, the program's ability to assign staff to a single project is limited. The unavoidable result is that program development must be done by the same staff doing other work, and is slower than it would otherwise be.

As to intake, for example, responsibility for development of forms, scripts and referral sheets has been allocated to existing staff, all of whom have other assignments as well, on the basis of expertise in particular topics. While this process ensures quality and accuracy, it takes longer than it would if one individual with no other duties worked full-time on the project.

2. Technology

Wyoming Legal Services has implemented a basic technology plan. All computers are either new or upgraded within the last year, and all have the capacity to run currently available

word processing, spreadsheet and other necessary applications. All offices use the same programs, and all computer systems are compatible for purposes of networking and electronic transfer of data.

Under current policy, each case handler has desktop computer access, including access to word processing, case and time management programs, in-office E-mail, and form files.

Computers within each office are networked, and each office has Internet access, including the capacity for exchange of E-mail, documents, case data and forms between offices. Each office has basic supporting technology, including fax, scanner and telephone messaging capacity.

Program planning, including budgeting, must include consideration of technology costs, and the cost of equipment must be taken into account in assessing program staffing capacity.

I. Strengths of current system

Wyoming Legal Services is committed to using available technology to the greatest extent feasible to expand client access to the program and to increase the effectiveness of the program. Each program office has basic components in place, and all program staff have acquired basic skills to enable use of the systems. Computer systems in all offices are compatible, and all offices use the same word processing and data entry programs. Program staff have a demonstrated willingness to learn and apply available technology as widely as possible within the program, and fully support program efforts to use technology effectively.

II. Weaknesses of the current system

Wyoming Legal Services has good basic technology in place. However, given the rapid rate of technological change, it is likely that maintaining up-to-date capacity will be expensive,

and will require a substantial commitment of staff time. There is no source of funding apart from current general funding, and so maintaining capacity will require a direct reduction of resources allocated to other program work.

III. Goals for expansion and time line

1. Maintain technological capacity as advances and improvements become available

WLS will assign, train and support a staff member as the primary computer responsible person for the statewide program. The individual will provide periodic reports on program wide capacity and allocation and/or development of resources as needed to allow for upgrades and additions. Work will be done on an ongoing basis, with a formal plan review every two years.

2. Evaluate current case management, timekeeping and data base needs, in order to ensure existence of an adequate and accessible system

WLS is currently reviewing information that has been gathered on various available programs, including Kempworks and others for case management and timekeeping functions. It intends to upgrade the current systems prior to January, 1999. It is anticipated that staff training and full utilization of the software may take as long as three months, because of the need to maintain other program work while the system is implemented.

3. Access to Courts, self-help and Preventive Education

There are substantial barriers faced by low-income people in Wyoming in gaining access to the legal system. The barriers are typical of those existing elsewhere, and include lack of sufficient financial resources to afford direct legal assistance; lack of the information and skills to effectively engage in self-representation; and lack of basic needs, such as transportation,

telephones, addresses, required for effective and timely participation in the system.

I. Strengths of the current system

The structure of LSC-funded legal assistance in Wyoming has changed substantially in the past two years during the same time that federal resources for the program were drastically reduced. As a result of the structural changes and the severe limits imposed by inadequate resources, it was necessary for the remaining providers to seriously consider the capacity of the delivery system and its ability to respond to client need. The Wyoming State Bar Association responded with a full commitment to expanding the availability of legal assistance, both through IOLTA funding and through strong encouragement of pro bono work by the private bar.

Under the leadership of the Legal Aid Committee of the State Bar, a committee which includes both private and public attorneys and members of the judiciary, a number of projects are being developed. During the past year, the Committee has gathered substantial information concerning current statewide access to the legal system, including local use of packets, local bar projects, and availability of informational and other resources. The committee is now working towards creation of pro se packets, to be reviewed and approved by the Courts and the State Bar, for use throughout the State. Also under consideration is development of a website on which the self-help information and other materials will be placed. In addition, the Committee also works directly with Wyoming Legal Services in the development and implementation of the program's outreach, community education and other initiatives.

II. Weaknesses of the current system

There are a number of methods in place or under development statewide to allow wider access

to the legal system. A number of courts have developed and distribute packets and sample forms. Several local bar associations provide advice and some direct representation. However, there is no readily accessible way for individuals seeking assistance to learn of the availability of such self-help information, nor is there a currently available method of ensuring that individuals will have either the information or the skills necessary to use the available forms and packets if they obtain them. Community education and outreach efforts are done primarily by the Legal Services program, and are thus limited by the lack of resources.

III. Goals and Timetable

1. Continue work towards creation and distribution of pro se materials

As described above, the Legal Aid Committee of the State Bar has a pro se development project underway. The program director of WLS is a member of the Committee, and WLS will continue to actively participate in the work of the Committee on the pro se issue. Current plans call for the Committee to review existing materials, determine the priority needs and develop new materials as needed. The work will be coordinated with the Officers and Commissioners of the State Bar Association, and will be submitted to those groups, as well as to the Judiciary, prior to public distribution. Full implementation of the project is expected to require at least three years. Initial packets, based upon those currently in use, are expected to be available within a year.

2. Institute a pro se demonstration project for pro se divorce assistance

In conjunction with the development of pro se packets for distribution generally, WLS has been working towards implementation of a pro se “class” for income eligible divorce clients.

The project is based upon one originally developed by Legal Services for Southeastern Wyoming. As planned, the program will offer a series of classes, to clients who have been determined to be eligible for the program, to assist through the process of divorce on a pro se basis. The first classes are to be offered in southeastern Wyoming, with the cooperation and assistance of the Wyoming Coalition Against Sexual Assault and Domestic Violence, located in Laramie, WY. Using the lessons learned from the demonstration project, pro se classes in other locations, on other topics, are to be developed cooperatively by WLS and the Legal Aid Committee. Current plans are for development of the resource materials and packets by Committee members and WLS staff. The classes will then be offered locally with the assistance of attorneys participating through the pro bono and PAI projects.

The demonstration project classes are to begin in January of 1999, and will cover a period of approximately three months. Because expansion of the project will depend to some extent upon information developed during the first sessions, it is not yet entirely possible to establish a time line for implementation. Current projections are that implementation of classes in priority topics on a statewide basis will require two to three years, and that implementation of the concept as part of local practice may take five years.

3. Coordinate the development and distribution of community education materials

Currently, there is a great deal of information publicly available concerning various legal issues. A number of providers, including WLS, the Legal Services Developer (within WLS), the State Bar, family violence shelters, and Protection & Advocacy produce and distribute informational and educational materials. At present, there is no coordination of these efforts.

Therefore, the state plan in this topic is for WLS to create a directory of information available from service providers statewide, so that all providers will have ready access to what is available. The directory is to be available for distribution in written form, and is to be made a part of the information available at the legal assistance website. Once all interested providers become more fully aware of resources available from others, it is planned that coordination of community education can be undertaken. Plans for those efforts are in the early stages, and a time line has not yet been developed.

4. Develop and implement a coordinated and targeted community education project.

All those involved in delivery of legal assistance to low-income individuals, and with access issues generally, agree that community education can be an effective piece of a delivery system. However, at present in Wyoming, there is a general consensus that community education is not an adequate substitute for access to direct legal assistance. The concern is that many people, in particular those most vulnerable to abuse or lack of access to the legal system, will be unable to successfully apply self-help information. For that reason, initial efforts have been directed towards development of full packets of pro se materials and instructions, in conjunction with the concept of classes to provide direct assistance with the pro se work.

Within that framework, there are plans for increasing community education efforts. The current plan is for WLS to develop basic materials in selected topics of particular interest to the low income communities throughout the state. The materials will be for use as outlines for community presentations and for basic informational guides. As drafts of each guide are developed, they will be circulated to the Legal Aid Committee and other interested providers for

comments and revision, and then distributed. A schedule of presentations, to be made by members of local bars or other providers will be developed once the materials are available. It is expected that implementation of the project in a coordinated manner will take approximately two years.

4. Coordination of legal work

Wyoming Legal Services is a single statewide program. Therefore, its legal work is necessarily fully coordinated. Cases in all office locations are approved and reviewed by administrative staff in the Lander office, weekly meetings with all case-handling staff are held to review case work, legal developments and updates, and to ensure that all work is coordination. Documents, pleadings, and forms are exchanged freely within the program by use of E-mail and otherwise, and all staff maintain ongoing communication concerning case work and general information.

The Legal Aid Committee meets on a monthly basis. A status report from WLS is included on the agenda, and items of concern are addressed as needed. Issues of pro bono development, structure and training are discussed, and plans made by the group as a whole. Informal contacts are maintained with a range of other service providers, including shelters, the statewide Coalition against Domestic Violence, the aging network, the Law School and local bar associations.

I. Strengths of the current system

Wyoming Legal Services is a small program. Although there are many disadvantages caused by the program size, it does allow for relatively easy coordination of work. The program

emphasizes cooperation and coordination of work, and all staff are expected to work together on casework and program development. The program is not divided by geography or specialization, and all staff work closely and freely with each other, regardless of location.

Likewise, program staff and the staff of other statewide providers have frequent contact in the course of their work. It is not difficult to maintain basic cooperation with other providers because most are of a size similar to WLS. The number of people involved in the network is fairly small, allowing for direct and ongoing contacts.

II. Weaknesses of the current system

The strengths of the system are also its weaknesses. Because the number of people involved in service delivery, within WLS, the State Bar, and otherwise, is small, and the resources limited, it is difficult to address all existing needs. While staff and programs have ready access to each other, they do not necessarily have staff who can be assigned to formal task forces, joint training ventures and similar undertakings.

III. Goals and time frame

- a. Continue to use available resources for training needs

The legal community has access to training within the state through the Bar's CLE program. The sessions are widely publicized, and are used extensively by WLS. Other providers, including the Coalition against Domestic Violence, provide training on a statewide basis, and again, publicize the training widely. It is being used effectively by the legal community. Providers will continue this coordination and cooperation.

- b. Consider joint training programs with other providers and agencies

Some steps towards coordinated training have been taken, and more are planned. In particular, as part of its responsibility for gathering educational materials from other service providers, WLS will obtain information concerning local training events available through other providers, including Protection and Advocacy and the State Department of Family Services. The information will be made available to the Legal Aid Committee on an continuing basis, for distribution as the Committee determines to be useful.

5. Private attorney involvement

Because the predecessor to Wyoming Legal Services was Wind River Legal Services, a program funding primarily through a LSC Native American grant, the statewide program began operations without a substantial private attorney program. The State Bar, and in particular the President of the Bar, Paul J. Hickey, have been very active in promoting the establishment of a volunteer lawyer panel. The Bar, through the IOLTA Foundation, has recently determined that it would be appropriate for the Bar itself to develop a volunteer lawyer project, which is a significant development for Wyoming. Development of the WLS PAI program will be coordinated with the work of the Bar, and depends to some extent upon the model to be chosen by the Bar.

I. Strengths of the current system

The current system is in the initial stages of development. It has strong support from the State Bar, and is an ongoing project of the Legal Aid Committee. Currently it is primarily a system for the referral of direct service cases. It has allowed for direct provision of services to more clients than WLS could assist, and it has al begun the process of real involvement by the

private bar in the work of the program.

II. Weaknesses of the current system

The current system is not so much weak as it is new. There are approximately 75 participating attorneys statewide, out of a pool of approximately 1200 attorneys. Components other than direct service are not yet developed. With the direct involvement of the State Bar in development of a volunteer project, it is expected that participation will increase and that the PAI program can expand into less traditional areas of operation.

III. Goals and time line

a. Continue existing PAI efforts

WLS will continue its existing program for the short term. The State Bar will once again solicit volunteers for the program in a mailing included with the dues notices to be sent out in October. The Legal Aid Committee will continue to review and offer suggestions concerning program development. The goal will be to double the number of attorneys participating in the PAI panel within two years.

b. Coordinate PAI development efforts with the State Bar

The IOLTA Foundation will investigate and consider structure for a volunteer lawyer project, with a report due in 6 weeks. The Legal Aid Committee will request an opportunity to comment on the plan, and together with WLS, will offer information gathered during the past year. Once structure and emphasis of the state bar project is determined, WLS, working with the Legal Aid Committee, will modify its PAI project to coordinate and avoid duplication. The

components that will be addressed will include non-traditional attorney involvement, including advice and brief service issues, establishment of emergency “on call” attorneys to handle such matters as evictions and protection orders on short notice, and creation of a mentoring program, both so that WLS attorneys with little experience make get assistance from more experienced private practitioners, and so that private attorneys can call upon more experienced WLS staff for assistance in poverty law issues. Development of a time line and work plan will begin after the initial assessment to be done within 6 weeks at the Bar level.

6. Resource development

Currently, WLS receives funding from the IOLTA Foundation and from the Wyoming Division on Aging to operate the Legal Assistance Developer program in Wyoming. In addition, the State Bar seeks donations on behalf of assistance programs, including WLS, in its dues notices.

I. Strengths of current system

WLS has the experience gained by Wind River Legal Services in its fund raising efforts. The program had successfully sought funding from a number of sources, including the Shoshone and Arapaho Tribes, the US Department of Justice, and the Wyoming Division on Aging. The program has learned some basic lessons important in resource development. WLS knows of the need to consider hidden costs, to evaluate the effect of a proposed project on other program work, and to recognize the conflicts inherent in undertaking work inconsistent with the program mission just because funding is available.

The program tracks sources of funding, and is actively engaged in seeking other

resources. At present, efforts are concentrated on governmental funding sources as being the most likely sources of funding in the short term. The program is exploring cooperative efforts with other providers, and considers such efforts of primary importance in resource development.

II. Weaknesses of the current system

There is no established tradition of funding delivery of legal assistance in Wyoming. The State has never provided direct funding, legal services to the low-income is only one of an array of purposes deemed eligible for funding by the IOLTA Foundation, and there are few major private funding sources in the state. The development of in-state sources of funding will be a long term effort, and will be successful only with extensive participation by non-LSC programs and individuals.

III. Goals and Time line

Target goals have not been set. WLS received statewide LSC funding for one year in 1997, and for one year in 1998. Future funding has not been determined. Without some level of stable base funding, additional resource development is difficult. Many funders are reluctant to commit resources to such an uncertain prospect.

Nevertheless, WLS has sought, and received, funding for the Legal Assistance Developer project. The IOLTA Foundation continues to provide support, though of course the future of that funding is now unclear. Development plans are to seek funding from other governmental sources, in cooperation with other programs when possible, to lessen concerns about program continuation. Long terms plans are to develop a fund raising effort directed towards the Bar and private groups. However, prior to instituting such a campaign, WLS and the Bar believe that the

private attorney participation network should be expanded, and statewide recognition of the legal services program increased.

7. System configuration

Currently, there is only one LSC-funded program in Wyoming. The program has three offices, located in the counties with the largest poverty populations. The distances in Wyoming make it difficult to provide services statewide, and the location of offices can not truly solve the problems. WLS hopes over time to develop a system in which the staffed program provides direct assistance to clients and back up to private attorneys in specialized topics and complex cases, with private attorneys handling individual cases on a local level, and broadly accessible self-help and education projects supported by WLS reducing the need for direct assistance.

The statewide LSC program has existed for less than two years. During that time, WLS, the State Bar, and the Legal Aid Committee have made substantial progress in development of an integrated system of delivery. The goal is to make the legal system in Wyoming fully accessible and responsive to the needs of all citizens of the state, including the low-income. The work of the past year has demonstrated that the state has both the capacity and the determination to achieve the stated goals. This planning document may be expanded and modified as work continues, to meet future needs and address changing circumstances.

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